

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

LEE KNIGHT CAFFERY, as Guardian *Ad Litem*
for M.L.C.-D., a Minor;

Plaintiff,

v.

JOHN W. SMITH, in his official capacity as the
Director of the North Carolina Administrative
Office of the Courts; THE HONORABLE
DAVID L. CHURCHILL, in his official capacity
as Clerk of the Superior Court for Guilford
County; and THE HONORABLE ARCHIE L.
SMITH III, in his official capacity as Clerk of
the Superior Court for Durham County;

Defendants.

CIVIL ACTION NO. 1:12-cv-589

**PETITION FOR APPOINTMENT
OF GUARDIAN *AD LITEM***

NOW COMES, Jonathan D. Sasser, pursuant to Rule 17(c) of the Federal Rules of Civil Procedure and L.R. 17.1(b) of the Local Rules of Civil Practice for the U.S. District Court for the Middle District of North Carolina, and hereby petitions the Court to appoint a guardian *ad litem* to appear on behalf of M.L.C.-D., a minor, in a civil action which has been contemporaneously filed against the above-named Defendants. In support of this Petition, Mr. Sasser shows unto the Court as follows:

1. I am an attorney who is duly licensed to practice law in the State of North Carolina and before this Court.
2. I represent M.L.C.-D. (hereinafter referred to as M.L.C.-D. or “Child Plaintiff”) who was born in 2011 and is presently 1 year old.

3. The Child Plaintiff does not have a general or testamentary guardian and can prosecute this civil action only through a guardian *ad litem* appointed by this Court.

4. I represent M.L.C.-D. and her parents, Lee Knight Caffery and Dana Draa (together with M.L.C.-D., “Plaintiffs”), in the above-captioned action.

5. This lawsuit arises out of Plaintiffs’ constitutional challenge to the adoption laws of North Carolina, as authoritatively construed by the North Carolina Supreme Court in *Boseman v. Jarrell*, 704 S.E.2d 494 (N.C. 2010), which prohibit Dana Draa from establishing a legally recognized parent-child relationship with M.L.C.-D.

6. M.L.C.-D. seeks to assert claims on her own behalf against Defendants in the above-captioned action, including, among other things, claims under the Equal Protection Clause and Due Process Clause of the United States Constitution, as well as 42 U.S.C. § 1983.

7. As M.L.C.-D.’s parent, Lee Knight Caffery, together with Dana Draa, loves, cares for, and is responsible for all aspects of M.L.C.-D.’s education, upbringing and well-being.

8. Lee Knight Caffery is a fit and proper person who is qualified to serve as the Child Plaintiff’s guardian *ad litem*.

9. As the Child Plaintiff’s parent and co-Plaintiff in the above-captioned action, Lee Knight Caffery is well-acquainted with the Child Plaintiff and her claims in the above-captioned action.

10. Because Plaintiffs are not asserting claims for damages, no financial conflict exists between M.L.C.-D. and Lee Knight Caffery that would prevent Lee Knight Caffery from making decisions in M.L.C.-D.’s best interest.

11. I have personally conferred with Lee Knight Caffery and she is willing to serve as the Child Plaintiff’s guardian *ad litem* in the above-captioned action.

12. A proposed Order of appointment is attached hereto.

Dated: June 13, 2012
Greensboro, North Carolina

/s/ Jonathan D. Sasser
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